

PTO/SB/51 (02-01) Approved for use through 01/31/2004. OMB 0651-0033 U.S. Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## Docket Number (Optional) REISSUE APPLICATION DECLARATION BY THE INVENTOR 740756-2405 As a below named inventor, I hereby declare that: My residence, mailing address and citizenship are stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventory (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,180,991 , granted <u>January 30, 2001</u> , and for which a reissue patent is sought on the invention entitled <u>SEMICONDUCTOR HAVING LOW CONCENTRATION OF PHOSPHOROUS</u> the specification of which is attached hereto. was filed on as reissue application number \_\_\_\_\_ and was amended on (If applicable) I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.) by reason of a defective specification or drawing. by reason of the patentee claiming more or less than he had the right to claim in the patent. by reason of other errors. At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening. The subject U.S. Patent No. 6,180,991 issued on January 30, 2001 from application Ser. No. 08/426,235 filed on April 21, 1995. In the '235 application, a Terminal Disclaimer was filed at the beginning of prosecution which disclaimed the terminal part of the statutory term of any patent granted that would extend beyond an issued patent commonly assigned to the assignees of the '235 application. During the course of prosecution, the claims of the '235 application were substantively amended, thereby rendering the Terminal Disclaimer unnecessary and inappropriate. Correspondingly, a Petition Under 37 CFR 1.182 To Withdraw A Terminal Disclaimer (hereinafter "Petition to Withdraw") was filed on April 8, 1999. However, prior to the USPTO's consideration and action on the Petition to Withdraw, the '235 application was allowed and the issue fee paid so that the application issued as the subject U.S. Patent No. 6,180,991 with the Terminal Disclaimer of record still in effect. Therefore, the errors upon which this reissue is based are: 1. The error of the applicants in failing to ensure proper disposition of the Petition to Withdraw during the prosecution of the '235 application; 2. The error of the applicants in not withdrawing the '235 application from issuance under 37 CFR 1.313 before the payment of the issue fee;

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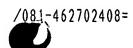
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## (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

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- 3. The error of the applicants in not withdrawing the '235 application from issuance under 37 CFR 1.313 after the payment of the issue fee;
- 4. The error of the applicants in not deferring issuance of the patent under 37 CFR 1.314 until the outstanding Petition to Withdraw was considered; and
- 5. The error of the Examiner/USPTO in failing to consider and act upon the Petition to Withdraw filed 21 months prior to issuance of the subject '991 patent.

The above errors have resulted in rendering the subject '991 patent inoperative during its terminal part of the statutory term that extends beyond the expiration date of the patent identified in the Terminal Disclaimer of record. In addition, the above errors have also resulted in rendering the subject '991 patent inoperative in that it is only enforceable for and during a period that it and the various patents identified in the Terminal Disclaimer of record are commonly owned. Furthermore, in failing to withdraw the Terminal Disclaimer, the applicant also believes the '991 patent is partly inoperative by reason that the patentee claimed less than the patentee had the right to claim in regards to the term of the '991 patent.



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Approved for use through 01/31/2004. OMB 0651-0033 U.S. Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 3) 740756-2405 All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith. Name(s) Registration Number Name(s) Registration Number Daniel W. Sixbey 20.932 Eric J. Robinson 38.285 Stuart 1. Friedman 24,312 Marc S. Kaufman 35,212 Charles M. Leedom, Jr. 26,477 Daniel S. Song 43,143 David S. Safran 27,997 James E. Howard 39.175 Thomas W. Cole 28,290 Corinne R. Gorski 34,339 Donald R. Studebaker 32,815 Jason H. Vick 45,285 Jeffrey L. Costellia 35,483 Luan C. Do 38,434 Tim L. Brackett, Ir. 36,092 Correspondence Address: Direct all communications about the application to: 22204 Place Customer Number Bar Customer Number Code Label here Type Customer Number here Firm or Individual Name Address Address Zip City State Country Telephone Fax I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18-U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed. Full name of sole or first inventor (given name, family name) Shunpei YAMAZAKI Inventor's signature Residence Tokyo, Japan Citizenship Japan Mailing Address 4-10-20, Seijo, Setagaya-ku, Tokyo 157, Japan Full name of second joint inventor (given name, family name) Inventor's signature Date Residence Citizenship Mailing Address Full name of third joint inventor (given name, family name) Inventor's signature Date Residence Citizenship Mailing Address

Additional joint inventors are named on separately numbered sheets attached hereto.